

Philadelphia, Pa., alleging that the article had been shipped on or about January 6, 1941, by W. H. Roberts & Co. from Baltimore, Md.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: "Sunset Brand * * * Ripe [or "Dried Early June"] Peas."

On May 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable institution.

1993. Misbranding of canned peas. U. S. v. 267 Cases of Canned Peas (and 5 other seizure actions against canned peas). Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 2415, 2481, 3434, 3458, 3613, 3872. Sample Nos. 2659-E, 24978-E, 28943-E, 33186-E, 34683-E, 34684-E, 50055-E.)

Between July 24, 1940, and February 26, 1941, the United States attorneys for the District of New Jersey, District of Massachusetts, District of Connecticut, District of Maryland, District of Columbia, and the Eastern District of Pennsylvania filed libels against 267 cases of canned peas at Jersey City, N. J., 130 cases at Boston, Mass., 343 cases at New Haven, Conn., 611 cases at Baltimore, Md., 314 cases at Washington, D. C., and 394 cases at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about June 6 to on or about December 2, 1940, by A. W. Sisk & Son, the shipments having been made from Machipongo, Va., to Newark, N. J., and Boston, Mass.; and from Lewes, Del., to New Haven, Conn., Baltimore, Md., Washington, D. C., and Philadelphia, Pa. The article was labeled variously in part: "Escco Brand [or "Virginia's Best"] Early June Peas * * * Packed by Eastern Shore Canning Co. Machipongo, Va."; "L. D. Early June Peas * * * Packed by Charles Mills, Lewes, Delaware"; and "S C [or "Columbus Quality"] Brand Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label did not bear, in such manner or form as the regulations specify, a statement that it fell below such standard.

Between September 13, 1940, and March 24, 1941, the Eastern Shore Canning Co. having appeared as claimant for the lot seized at Boston, Mass., and A. W. Sisk & Son having appeared as claimant in the remaining actions, judgments of condemnation were entered and the product in each instance was ordered released under bond to the respective claimants conditioned that it be relabeled in compliance with the law.

1994. Misbranding of canned peas. U. S. v. 535 Cases and 150 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4090. Sample Nos. 47054-E, 47055-E.)

On April 2, 1941, the United States attorney for the Northern District of Illinois filed a libel against 685 cases, each containing 24 cans, of peas at Chicago, Ill., alleging that the article had been shipped by the Waupun Canning Co. from Waupun, Wis., on March 8, 1941; and charging that it was misbranded. It was labeled in part: "Security Brand Small Fancy Sifted [or "Fancy Extra Sifted"] Early June Peas Size 3 [or "2"]."

The article was alleged to be misbranded in that the term "Fancy," appearing in the labeling, was false and misleading as applied to peas that were not sufficiently young and tender and were not free from defects.

On May 26, 1941, Mid City Wholesale Grocers, Inc., of Chicago and Cicero, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

1995. Misbranding of canned peas. U. S. v. 85 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4456. Sample No. 69016-E.)

This product, which was represented to be of Fancy grade or quality sweet or sugar peas, was not Fancy because of the presence of hard peas.

On April 23, 1941, the United States attorney for the District of New Jersey filed a libel against 85 cases, each containing 48 cans of peas at Newark, N. J.,

alleging that the article had been shipped on or about February 27, 1941, by Comstock Canning Corporation from Penn Yan, N. Y.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because of the presence of hard peas. The article was labeled in part: "Uco * * * Fancy Sweet Melting Peas Contents 8 Oz."

On June 30, 1941, Uco Food Corporation, Newark, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

1996. Misbranding of canned peas. U. S. v. 95 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to charitable institution. (F. D. C. No. 4306. Sample No. 29310-E.)

This product was labeled "Fancy" but was too mature for such designation.

On April 11, 1941, the United States attorney for the Southern District of Ohio filed a libel against 95 cases of canned peas at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about January 9, 1941, by the Lakeside Packing Co., from Plainview, Minn.; and charging that it was misbranded. It was labeled in part: (Cans) "Sunshine Brand Fancy Sifted Peas."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to overmature peas.

On May 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1997. Misbranding of canned peas. U. S. v. 205 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. D. C. No. 4480. Sample No. 69024-E.)

This product, which was represented as consisting of small sugar peas of Fancy quality, was found to consist of peas of mixed sizes and was not Fancy because of the presence of hard, nearly mature peas.

On April 24, 1941, the United States attorney for the District of New Jersey filed a libel against 205 cases, each containing 48 cans, of peas at Jersey City, N. J., alleging that the article had been shipped on or about January 24, 1941, by the Frank M. Wilson Co., San Francisco, Calif., from Stockton, Calif.; and charging that it was misbranded in that the statement "Fancy Small * * * Peas" was false and misleading as applied to an article that consisted of peas of mixed sizes and that was not of Fancy quality because of the presence of hard, nearly mature peas. The article was labeled in part: (Cans) "Marigold Brand Fancy Small Sweet Peas Contents 8 Oz."

On August 7, 1941, Marigold Grocery Co., Inc., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

1998. Misbranding of canned peas. U. S. v. 779 Cases of Canned Peas. Product ordered released under bond to be relabeled. (F. D. C. No. 4217. Sample No. 29542-E.)

This product was not Fancy as labeled because of the presence of numerous broken peas.

On April 3, 1941, the United States attorney for the Northern District of Ohio filed a libel against 779 cases, each containing 24 No. 2 cans, of peas at Cleveland, Ohio, alleging that the article had been shipped by Oconomowoc Canning Co. from Sun Prairie, Wis., on or about September 6 and 9, 1940; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of numerous broken peas, consisting of loose cotyledons and loose skins.

On April 14, 1941, the Oconomowoc Canning Co. having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be released under bond to be relabeled under the supervision of the Food and Drug Administration.

1999. Misbranding of canned sauerkraut. U. S. v. 524 Cases of Canned Sauerkraut. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4481. Sample No. 50955-E.)

This product was unlabeled when shipped to the consignee, but at the time of examination was labeled in part as follows: "Allen Brand Sauerkraut Fancy Quality." It was not of Fancy quality because of off-color, odor, and flavor.